

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06CV154-MU-02

THEODORE J. WILLIAMS,     )  
    Plaintiff,             )  
                              )  
        v.                 )  
                              )  
(FNU) STEWART, Captain    )  
    with the Union County   )  
    Sheriff's Department,   )  
    et al.,                )  
    Defendants.             )  
\_\_\_\_\_                  )

O R D E R

THIS MATTER comes before the Court on Plaintiff's Motion to Reconsider, filed November 14, 2007.

As Plaintiff's Motion properly reports, he filed his civil rights Complaint on April 3, 2006. On June 16, 2006, Defendants filed a Motion for Summary Judgment contending that there were no genuine issues of material fact to be determined. On May 25, 2007, Defendants filed a Motion to Dismiss arguing that Plaintiff's action was subject to dismissal under the PLRA for his violation of the three strikes rule. On May 30, 2007, this Court dismissed Plaintiff's action pursuant to 28 U.S.C. § 1915(g). Such dismissal, as a matter of law, was without prejudice to Plaintiff's right to pay the subject filing fee and re-file his action.

By the instant Motion to Reconsider, Plaintiff concedes that such dismissal was "proper." Nevertheless, Plaintiff now asks the Court to re-instate that case, essentially because he has been vindicated of certain charges and he has been released from custody.

Reconsideration is proper when there is a showing that the Court's original determination somehow was erroneous. As was noted, Plaintiff concedes that the Court's original determination was correct. Moreover, while the changes in circumstances to which Plaintiff points may go to the strength of his case, those matters do not change the Court's determination that at the time he filed that matter, he was not entitled to proceed as a pauper under § 1915. Therefore, Plaintiff's Motion to Reconsider will be denied.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Motion to Reconsider (document # 57) is **DENIED.**

**SO ORDERED.**

Signed: October 7, 2009



Graham C. Mullen  
United States District Judge

